

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

Case No. 3:23-md-03084-CRB (LJC)

**DECLARATION OF SOMMER D. LUTHER  
IN SUPPORT OF JOINT LETTER  
REGARDING LYFT'S PRODUCTION OF  
DOCUMENTS IN RESPONSE TO  
PLAINTIFFS' SUBPOENA**

This Document Relates to:

ALL WAVE 1 BELLWETHER CASES

Judge: Hon. Lisa J. Cisneros  
Courtroom: G – 15th Floor

I, Sommer D. Luther, declare:

1. I am an attorney at the Wagstaff Law Firm, appointed to the Plaintiffs' Steering Committee in the above-captioned Multi-District Litigation. I am a member of the State Bar of Colorado and admitted to practice in this action *pro hac vice*. I make this declaration based on my personal knowledge. If called upon to testify, I could and would testify competently to the truth of the matters stated herein.

2. I submit this declaration in support of a Joint Letter regarding Lyft's production of documents in response to Plaintiffs' Subpoena.

3. Attached as Exhibit 1 is a true and correct copy of the subpoena Plaintiffs served on Lyft on April 21, 2025, along with the proof of service.

4. The Subpoena attached as Exhibit 1, was served by all Wave 1 bellwether plaintiffs, with the exception of Plaintiff WHB 318. WHB 318 was added to the Wave 1 bellwether pool August 11, 2025 and has not served the subpoena on Lyft, although it is anticipated that WHB 318 will serve the subpoena on Lyft and request the same information that is being requested here.

5. Attached as Exhibit 2 is a true and correct copy of Lyft's objections to Plaintiffs' subpoenas.

6. Counsel for Plaintiffs in this action conferred with Lyft concerning the subpoena, Lyft's objections in June of 2025. On June 30, 2025, attorney Jamie Powers communicated with Lyft via email regarding Lyft's production of documents in response to Plaintiffs' subpoena. Ms. Powers provided Lyft with a chart of all bellwether claimants for which Plaintiffs did not have ISSP documents. To assist in

1 Lyft's search, the Chart included the relevant driver names and DOB. To further assist in the process, Ms.  
2 Powers advised Lyft that Plaintiffs were agreeable to narrow the scope of the documents requested and  
3 limit requests to records dated prior to each incident. Finally, Ms. Powers addressed the need to obtain  
4 information directly from Lyft as opposed to HireRight as HireRight did not maintain all of Lyft's  
5 deactivation data. A true and correct copy of the email correspondence to Lyft is attached as Exhibit 3.

6 7. I am not aware if Lyft responded to Ms. Powers' email or what subsequent discussions  
7 occurred after June 30, 2025.

8 8. It is my understanding that attorney Simon Grille, picked up discussions with Lyft in  
9 October of 2025. (Doc. 4797-1). It is also my understanding that through those discussions Lyft refused  
10 to search for responsive documents, arguing that Plaintiff's request are irrelevant, subject to hearsay and  
11 confidentiality objections, and unduly burdensome. (Doc. 4797-1). It is my understanding these  
12 discussions continued through December 8, 2025, when an impasse was reached and a Joint Letter Brief  
13 was filed with the Court related to the Jaylynn Dean case, only.

14 9. On December 26, 2025, the Court ordered the remaining bellwether plaintiffs to submit a  
15 Letter Brief by January 7, 2026. (Doc. 4800).

16 10. My office reached out to Lyft's counsel on January 5, 2026 and January 7, 2026. I had an  
17 initial call with Lyft's counsel, David Riskin, on January 7, 2026. During that call counsel had preliminary  
18 discussions regarding the substance of the subpoena and primarily discussed extending the time to submit  
19 Letter Briefs to allow for further conferral. Counsel for Lyft did state that Lyft's position was largely  
20 unchanged from the position addressed with Mr. Grille and that Lyft would be amenable to considering  
21 new or different arguments but believed that Plaintiffs' request for production were untimely and  
22 objectionable, as previously outlined.

23 11. On January 8, 2026, the Court ordered the parties to submit a Joint Letter Brief by January  
24 14, 2026. (Doc. 4953).

25 12. None of the bellwether cases have been set for trial as of today's date.  
26 I declare under penalty of perjury that the foregoing is true and correct.

27 Executed this 14<sup>th</sup> day of January, 2026, in Denver, Colorado.  
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/s/ Sommer D. Luther  
Sommer D. Luther

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